

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHARLENE CARROLL,

Plaintiff,

vs.

No. 1:16-cv-1139 KG/KBM

BOARD OF COUNTY COMMISSIONERS
OF RIO ARRIBA COUNTY, RANDY R.
SANCHES, BRANDON ARCHULETA
AND THOMAS R. RODELLA,

Defendants.

DECLARATION OF CHARLES M. CANADA

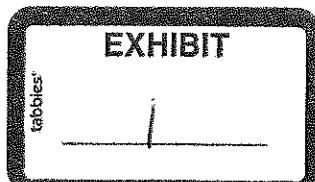
Charles M. Canada, of full age, declares the following;

1. I have personal knowledge of the following facts.
2. The statement that I gave to the Rio Arriba County Sheriff's Office on August 27, 2014, is true and correct. A copy of this statement is attached hereto as Exhibit A.
3. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9 day of January, 2017 at Abiquiu, New Mexico.



CHARLES M. CANADA



(32-1601,

RIO ARRIBA SHERIFF'S OFFICE Voluntary Statement

DATE: 08/27/2014 LOCATION: 6 Chicoma Ave, Abiquiu, NM 87510, TIME: 5:30 pm

I, Charles Michael Canada ADDRESS: 6 Chicoma Ave, Abiquiu, NM 87510

DATE OF BIRTH: 02/09/1969 SSN: 587-45-2145 PHONE #: 505-685-4231

Declare that the following statement is voluntary and true.

Around 10:00 pm, Monday, August 25, 2014, I walked to my truck parked in my drive at 6 Chicoma Ave. I noticed a car that I was not familiar with drive by and go to what I thought was the house of Susan and Winter Scharbach's summer home. Their house is about a quarter of a mile from my house and is in a very dark area.

The strange vehicle seemed to pull up to the Scharbach residence. Then someone began walking back and forth with a flash light. I watched this for about ten minutes. Since I know the Scharbachs are not home, I knew that no one should be there. Also, I have never seen anyone in that area walking around with a flashlight that late at night. This was very suspicious.

There is new construction in the area and over the past few years, every time there is new construction in our neighborhood, there are robberies. The Scharbach residence was robbed within the past two years while new construction was under way near-by.

I called 911 and reported my suspicions. I tried to call Charlene Carroll, the Scharbach's nearest neighbor, but she did not answer her cell. We have limited cell reception in our area and she does not have a land-line that I am aware of. I sent Charlene an email at 10:13 pm, stating that I called 911 because I believed the Scharbach's were being robbed.

I also called Donald and Liz Banks, the residents of the first house by the main gate on Blue Earth Trail, to tell them I had called 911 and that I thought a burglary was in progress.

I checked back in with the 911 dispatcher and confirmed that someone was still walking back and forth around the house with a flash light. Four units arrived to our neighborhood, but missed the turn. I remained on the line with the dispatcher until the police reached the area where I saw the person with the flash light.

I asked the dispatcher if they had identified the person, but he couldn't give me a clear name for her or who the vehicle was registered to. He later mentioned that her last name might be Carroll. I realized that it might be Charlene Carroll. I offered to come and identify the person.

I drove down and realized that the police were at Charlene Carroll's residence and that the light I had seen was not at the Scharbach's but at Charlene's. Because of the darkness, distance and perspective, this is an easy mistake to make from my house.

I identified Charlene Carroll for the four officers present. I apologized to Charlene and the police officers for my mistake. I followed up with an apology to Charlene via email at 11:16 pm.



Charles M. Canada 08/27/2014

